- (A) may provide for appropriate software licensing agreements; and
- (B) shall, with respect to an agency facility that is a public building as such term is defined in section 612(1) of title 40, be in compliance with the prospectus requirements and procedures of section 606 of title 40.
- (4) The term "energy conservation measures" has the meaning given such term in section 8259(4) of this title.

(Pub. L. 95–619, title VIII, §804, as added Pub. L. 99–272, title VII, §7201(a), Apr. 7, 1986, 100 Stat. 143; amended Pub. L. 102–486, title I, §155(b), Oct. 24, 1992, 106 Stat. 2855.)

AMENDMENTS

1992—Pub. L. 102–486, §155(b)(1), substituted "subchapter, the following definitions apply:" for "subchapter—" in introductory provisions

Par. (1). Pub. L. 102-486, §155(b)(2), substituted "The" for "the" and a period for ", and " at end.

Par. (2). Pub. L. 102-486, §155(b)(3), substituted "The term" for "the term".

Pars. (3), (4). Pub. L. 102–486, $\S155(b)(4)$, added pars. (3) and (4).

CHAPTER 92—POWERPLANT AND INDUSTRIAL FUEL USE

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

8301. Findings; statement of purposes.

- (a) Findings.
 - (b) Statement of purposes.

8302. Definitions.

- (a) Generally.
- (b) Special rules relating to definitions of natural gas and alternate fuel.

8303. Territorial application.

SUBCHAPTER II—NEW FACILITIES

PART A—PROHIBITIONS

- 8311. Coal capability of new electric powerplants; certification of compliance.
 - (a) General prohibition.
 - (b) Capability to use coal or alternate fuel.
 - (c) Applicability to base load power-plants.
 - (d) Self-certification.

8312. Repealed.

PART B—EXEMPTIONS

8321. Temporary exemptions.

- (a) General exemption due to lack of alternate fuel supply, site limitations, or environmental requirements.
- (b) Temporary exemption based upon future use of synthetic fuels.
- (c), (d) Repealed.
- (e) Duration of temporary exemptions.

8322. Permanent exemptions.

- (a) Permanent exemption due to lack of alternate fuel supply, site limitations, environmental requirements, or adequate capital.
- (b) Permanent exemption due to certain State or local requirements.
- (c) Permanent exemption for cogeneration.
- (d) Permanent exemption for certain mixtures containing natural gas or petroleum.

Sec.

- (e) Permanent exemption for emergency purposes.
- (f) Permanent exemption for powerplants necessary to maintain reliability of service.

8323. General requirements for exemptions.

- (a) Use of mixtures or fluidized bed combustion not feasible.
- (b) State approval required for power-plant.
- (c) No alternative power supply in the case of a powerplant.

8324. Terms and conditions; compliance plans.

- (a) Terms and conditions generally.
- (b) Compliance plans.

SUBCHAPTER III—EXISTING FACILITIES

PART A—PROHIBITIONS

8341. Existing electric powerplants.

- (a) Certification by powerplants of coal capability.
- (b) Authority of Secretary to prohibit where coal or alternate fuel capability exists.
- (c) Authority of Secretary to prohibit excessive use in mixtures.
- (d) Amendment of subsection (a) and (c) certifications.

8342. Repealed.

8343. Rules relating to case-by-case and category prohibitions.

- (a) Case-by-case prohibitions.
- (b) Prohibitions applicable to categories of facilities.

PART B—EXEMPTIONS

8351. Temporary exemptions.

- (a) Temporary exemption due to lack of alternate fuel supply, site limitations, or environmental requirements.
- (b) Temporary exemption based upon future use of synthetic fuels.
- (c) Temporary exemption based upon use of innovative technologies.
- d) Temporary exemption for units to be retired.
- (e) Temporary public interest exemption.
- (f) Temporary exemption for peakload powerplants.
- (g) Temporary exemption for powerplants where necessary to maintain reliability of service.
- (h) Duration of temporary exemptions.

8352. Permanent exemptions.

- (a) Permanent exemption due to lack of alternate fuel supply, site limitations, or environmental requirements.
- (b) Permanent exemption due to certain State or local requirements.
- (c) Permanent exemption for cogeneration.
- (d) Permanent exemption for certain fuel mixtures containing natural gas or petroleum.
- (e) Permanent exemption for emergency purposes.
- (f) Permanent exemption for peakload powerplants.
- (g) Permanent exemption for intermediate load powerplants.
- (h) Permanent exemption for use of natural gas by certain powerplants with capacities of less than 250 million Btu's per hour.
- (i) Permanent exemption for use of LNG by certain powerplants.